

Members:

Sen. Robert Garton, Chairperson
Rep. John Gregg, Vice-Chairperson
Sen. Richard Young
Sen. Harold Wheeler
Sen. Joseph Harrison
Sen. Patricia Miller
Sen. Thomas Wyss
Sen. James Lewis
Sen. Earline Rogers
Rep. Paul Mannweiler
Rep. Mark Kruzan
Rep. Dale Grubb
Rep. William Cochran
Rep. Charlie Brown
Rep. Jeffrey Linder
Rep. Richard Mangus



LEGISLATIVE COUNCIL

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Authority: IC 2-5-1.1-1

MEETING MINUTES¹

Meeting Date: July 22, 1999
Meeting Time: 10:30 A.M.
Meeting Place: State House, 200 W. Washington
St., Room 404
Meeting City: Indianapolis, Indiana
Meeting Number: 2

Members Present: Sen. Richard Young; Sen. Harold Wheeler; Sen. Joseph Harrison; Sen. Thomas Wyss; Sen. James Lewis; Sen. Earline Rogers; Rep. John Gregg, Vice-Chairman (Acting Chairman for this meeting); Rep. Mark Kruzan; Rep. William Cochran; Rep. Charlie Brown; Rep. Jeffrey Linder; Rep. Richard Mangus.

Members Absent: Sen. Robert Garton, Chairman; Sen. Patricia Miller; Rep. Paul Mannweiler; Rep. Dale Grubb

Representative Gregg, serving as Acting Chairman in the absence of Senator Garton, called the meeting to order. After a roll call vote was taken to establish a quorum, the chairman declared that each of the absent members was excused.

Community college sites

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

The chairman asked Mr. Stan Jones, Commissioner for Higher Education, to discuss the first item on the agenda. Mr. Jones noted that the budget bill passed during 1999 established a process by which the initial community college sites would be determined. That process includes an initial recommendation by the Community College Policy Committee to the Legislative Council. The Legislative Council then makes a recommendation to the State Budget Committee. Mr. Jones stated that the Policy Committee had made its initial site recommendations in large part to locate the sites near the largest underserved adult population centers. He then stated that Vincennes University and Ivy Tech State College intend to have a "dry run" in the spring of 2000 with a limited offering of courses in order to test their various information and technical capability.

Senator Lewis stated that it would have been his preference to have sited one of the initial sites in the southwestern portion of Indiana (e.g. Madison or Lawrenceburg) because that area is underserved in terms of higher education. Mr. Jones replied that he would certainly be willing to ask the Policy Committee to look at those areas, but that to his knowledge no person from those areas had asked to be considered for the initial sites.

Senator Rogers stated that there had been a significant amount of discussion between legislators and other persons from northwest Indiana before the decision was made to locate one of the initial sites in Lake County.

Representative Brown then moved, and Senator Wheeler seconded, LCR 99-3 to recommend Gary, Lafayette, Indianapolis, and Evansville as the initial Ivy Tech State College campuses where community college courses would be offered. The motion also included recommending Muncie, Anderson, and Marion for the second round of sites. LCR 99-3 was adopted by consent.

Legislative printing contracts and pricing policy

The chairman then asked Mr. Philip Sachtleben, Executive Director of the Legislative Services Agency, to present the items on the agenda concerning various printing matters. The first item concerned the one-year extension of the contract for the printing of the Indiana Register with Graphics, Ltd. Mr. Sachtleben noted the LSA recommends acceptance of Graphic's offer to extend at the same prices as are currently in effect. However, the LSA recommends that the print run be reduced from 1000 copies per month to 800. Representative Cockran moved, and Senator Wyss seconded, a motion to adopt LCR 99-4. The motion was adopted by consent.

Mr. Sachtleben then explained LCR 99-5, which would extend by one year the printing contract with Conway-Greene Co. for the Indiana Administrative Code at the same price as is currently in effect. The motion of Senator Wheeler, as seconded by Senator Young, to adopt LCR 99-5 was adopted by consent.

Mr. Sachtleben then explained LCR 99-6 which would establish a uniform policy for pricing publications produced by the LSA. The price for these publications would be the price paid by the LSA for printing the document or CD, divided by the number of copies made. After rounding the result to the next higher dollar postage would be added to establish the selling price. In response to Senator Harrison's question, Mr. Sachtleben noted that the resolution would continue in effect until modified by the Legislative Council. Representative Brown moved, and Senator Wheeler seconded, a motion to adopt LCR 99-6. The motion was adopted by consent.

Data Processing Subcommittee Report on In-house printing of bills

The Chairman called on Senator Harrison to report on the activities of the Legislative Council's Data Processing Subcommittee which had met prior to the full Council meeting. Senator Harrison reviewed the Council's decision last year to establish a pilot program under which the LSA would print all "reprinted" bills (i.e. the printing on yellow paper that occurs whenever a bill is amended on the floor of the House or Senate). Senator Harrison discussed the problems that were encountered during the pilot program and noted that the question before the subcommittee was whether the pilot program should be continued, expanded (to other printings), or terminated. He reported that by a 3-1 vote the Subcommittee had recommended to the full Council that the LSA be given responsibility to print all bills beginning with the 2000 session.

Representative Linder, a member of the Subcommittee, stated that he thought the pilot program had gone well even though it encountered some problems. He felt that the short session would be a good time to switch to complete in-house printing and made a motion to that effect. The motion was seconded by Representative Kruzan. The motion was adopted by consent.

Research/Staff assistance for the Public Officers Compensation Commission

Mr. Sachtleben stated that the four legislative leaders had discussed the use of an outside entity to assist in the operation of the statutorily created Public Officers Compensation Commission. He noted that the legislative leaders thought it would be useful to present this to the full Legislative Council since its Contingency Fund would be used to engage the services of such an outside entity. Mr. Sachtleben then stated that the Indiana University Center for Urban Policy had offered to provide these services, and that Mr. John Krauss, Director of the Center, was present to answer any questions.

The Chairman called on Mr. Krauss who briefly discussed the status of similar compensation commissions in other states and identified the types of staff and research services that the Center had provided under prior contracts with the Legislative Council (most recently concerning annexation matters).

Senator Rogers moved, and Senator Lewis seconded a motion to engage the staff and research services of the Center for Urban Studies under a contract to be funded using a portion of the Legislative Council Contingency Fund.

SEA 109-99: Campaign finance expenditure codes

The Chairman called on Ms. Laurie Christy and Mr. Spencer Valentine, Co-Directors of the Indiana Election Division (IED), to discuss the IED's statutory duty to develop up to 10 expenditure codes which would be incorporated into the campaign finance reports filed by all candidates. Ms. Christy noted that the Indiana Election Commission was scheduled to meet August 3 and that it would be useful to receive legislative input. Mr. Valentine then described each of the 10 proposed categories into which all expenditures would be categorized in the future.

Senator Wyss stated his concern that this new requirement would create additional (unintended) filing errors due to incorrect decisions as to where to categorize certain expenditures. He also noted his concern that such errors are subject to penalty under the election code. Mr. Valentine replied that persons often amended their election filings after errors are discovered by the IED or the Election Commission. Ms. Christy added that the Commission looks at the errors and makes a determination as to whether there was intent to evade the reporting requirements. If such an evasion is proven the candidate can be

fined up to \$1,000, although this does not happen frequently according to Ms. Christie.

Senator Rogers then asked for further information as to how these codes would be incorporated into the actual form. Ms. Christie noted that this would be decided by the Commission, but that she anticipated that each expenditure would have a box where the category code would be noted.

Representative Gregg asked about the timing of this change. Ms. Christie noted that the statute required the codes by January 1, 2000 which means they would first be used for the pre-primary reports for the 2000 election.

Representative Kruzan stated his concern that this would result in a great number of inadvertent mistakes which would subject candidates to a \$1,000 fine. He was particularly concerned that this would be most problematical to non-incumbents who are generally unaware of the mechanisms that could be used to correct problems. He also felt that this could result in technical violations which an opponent would raise and for which there was insufficient time to make a rebuttal.

The Chairman decided that he would remove this item from the agenda because of his desire to discuss this subject with Senator Garton before proceeding. He urged the other members of the Legislative Council to review this new statute and the IED's proposals before the next meeting of the Council.

Proposal to add new study topics to the Board for the Coordination of Child Care Regulation

The Chairman recognized Ms. Kathryn Azhar to explain her request that two topics be added to the Legislative Council's charge to the Board for the Coordination of Child Care Regulation. The proposed topics were:

(A) The legality of using subcontractors to provide child care at public schools.

(B) The authority of the Division of Family and Children to include certain questions on its child care provider licensure materials.

Representative Brown stated his concern that a school corporation that uses unlicensed child care providers might be subjecting itself to liability.

Representative Kruzan asked whether either of the study topics had been proposed by a legislator and considered by the Legislative Council as is normally the case with study topics, and whether the chairman of the Board could add these topics to the Board's work plan. Mr. Sachtleben replied that neither of these topics were the subject of a legislative study resolution, and that in his opinion both of these topics, time permitting, could be added to the Board's work plan by the chair.

Senator Wyss commented that he found some of the allegations in Ms. Azhar's handout to be rather extreme in their attack on the actions of the Family and Social Services Administration.

Following a question from Representative Gregg, Ms. Azhar discussed the for-profit day care operators (which is the type of operation that Ms. Azhar is involved with) and the not for profit operators.

Senator Young then asked Mr. Sachtleben whether the questions described in Ms. Azhar's handout could be studied by the Administrative Rules Oversight Commission (AROC). Mr. Sachtleben stated that he had not been given a copy of Ms. Azhar's materials, but that it was his understanding that she was concerned about the studying the legality of certain issues. As such, this would in his opinion be outside the jurisdiction of the AROC as it is charged with studying administrative rules rather than statutes.

Senator Rogers stated that she felt that the Legislative Council had spent its May meeting determining which of the dozens of proposed study topics could be handled this interim and that since these study topics had not been discussed at that time the Council should reject this request.

The chairman decided to not vote on this agenda item in light of the comments by the Council. He stated that Ms. Azhar would be free to discuss this matter with the chairman of the Board.

Ms. Azhar stated that it will take an act of the Legislature to "do something about this" and that it would be irresponsible for the Council to leave thousands of children in illegal child care after "[her] facts had come to light".

Other business; Parking issues; NCSL

Representative Brown raised a question concerning an apparent change in Department of Administration policy concerning the use of orange traffic cones to reserve parking spaces in the legislator lot during the interim. He was particularly concerned that there would be many members of the General Assembly in Indianapolis for the NCSL conference the following week who would have difficulty finding parking. Representative Gregg directed Ms. Lee Smith, Clerk of the House, to discuss this matter with the Principal Secretary of the Senate and other officials in order to make sure that there would be sufficient parking available during the conference. The chair then recognized Mr. Jay McQueen, Deputy Commissioner of the Department of Administration, who stated that the DOA would take the necessary measures to ensure a sufficient amount of legislator parking during the conference.

Next meeting not determined

The chair stated that in light of the Council's discussions at this meeting he had several topics to discuss with Senator Garton, including Senator Garton's determination as to whether an August meeting would be necessary.

Adjournment

There being no further business to consider, Representative Gregg adjourned the meeting at 12:45 PM.